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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 ORM-02 NEA-10 IO-13 AID-05 SCS-03

SCA-01 SAM-01 MCT-01 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /095 W

103973

R 071612Z OCT 76
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 7455

[REDACTED] SECTION 1 OF 2 BUENOS AIRES 6611

E.O. 11652: N/A
TAGS: PINT, SHUM, AR
SUBJECT: HUMAN RIGHTS ROUND-UP NO. 3

REF: BUENOS AIRES 6309

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
() Release () Excise () Deny

Exemption(s):
Excluded: () In Part () In Full DE CO N
() Classify as () Extend as () Downgrad
Date Declassify on Reasor

DECONTROL

1. GOA HAS IN RECENT WEEKS RELEASED MORE THAN 300 PERSONS WHOM IT FOUND INNOCENT OF SUBVERSIVE CONNECTIONS, REPORTED LA OPINION OCTOBER 3. LA OPINION NOTED THAT THE GOVERNMENT HAD MADE NO OFFICIAL ANNOUNCEMENT, IN KEEPING WITH ITS POLICY OF NOT RELEASING THE NAMES OF THOSE DETAINED BY THE EXECUTIVE, SINCE SUCH INFORMATION MIGHT BE USEFUL TO SUBVERSIVE GROUPS. LA OPINION FURTHER REPORTED THAT GOA WOULD CONTINUE TO RELEASE INNOCENT PERSONS AS IT COMPLETES ITS INVESTIGATIONS. (AT A PRESS CONFERENCE SEPTEMBER 19, INTERIOR MINISTER HARGUINDEGUY DECLARED IT WAS HIS POLICY NOT TO RELEASE THE NAMES OF THOSE DETAINED UNDER STATE OF SIEGE, EVEN THOUGH HE CLAIMED TO HAVE THE EXACT NUMBER AND ALL BACKGROUND INFORMATION ON EACH CASE. THE BA HERALD ON SEPTEMBER 26 AGAIN APPEALED TO THE GOVERNMENT TO RELEASE THENAMES AS A "DEFINITE STEP TOWARD RESTORING LAW AND ORDER.")

2. CHILEAN CITIZEN GUILLERMINA ALICIA GAVILAN, WHO HAD BEEN

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DETAINED UNDER STATE OF SIEGE, LEFT FOR LONDON SEPTEMBER 28. ARGENTINE CITIZEN LILIANA NAZARIO, SUBJECT OF MUCH HUMAN RIGHTS CORRESPONDENCE, WAS RELEASED FROM JAIL SEPTEMBER 22 AND IS NOW VACATIONING IN SANTIAGO DEL ESTERO WITH HER RELATIVES.

3. SIXTEEN CHILEAN AND URUGUAYAN REFUGEES LEFT FOR GENEVA AND PARIS UNDER UNHCR AUSPICES OCTOBER 1.

4. FOR THE SECOND TIME IN FIVE MONTHS, A FEDERAL JUDGE RULED THAT THE CONSTITUTIONAL RIGHT OF PERSONS DETAINED UNDER STATE OF SIEGE TO OPT TO LEAVE THE COUNTRY IS IN FORCE IN RULING ON A WRIT OF HABEAS CORPUS, JUDGE EUGENIO ZAFFARONI GAVE THE EXECUTIVE BRANCH 20 DAYS TO RELEASE 66-YEAR-OLD PABLO ALFREDO PIZA, WHO HAS BEEN HELD WITHOUT CHARGE SINCE LAST NOVEMBER. THE FEDERAL PROSECUTOR IMMEDIATELY APPEALED THE DECISION TO THE SUPREME COURT. IN AN EARLIER CASE LAST MAY, A DIFFERENT JUDGE RULED THAT THE OPTION WAS IN FORCE BECAUSE, ALTHOUGH IT HAD BEEN SUSPENDED BY THE JUNTA IN MARCH, IT WAS MENTIONED IN A SUBSEQUENT REVISION OF THE PENAL CODE. (THAT RULING WAS ALSO APPEALED TO THE SUPREME COURT, WHICH HAS YET TO HAND DOWN A JUDGMENT.) IN HIS LATER DECISION, ZAFFARONI USED THE SAME ARGUMENT AND ADDED THAT PROLONGED DETENTION WAS CONTRARY TO THE PRINCIPLES OF THE CATHOLIC CHURCH (OFFICIAL RELIGION OF ARGENTINA) AND THE UN'S UNIVERSAL DECLARATION OF HUMAN RIGHTS TO WHICH ARGENTINA IS PARTY.

5. PRESIDENT VIDELA HOSTED A WIDELY-PUBLICIZED ECOMENICAL LUNCHEON SEPTEMBER 29 FOR RELIGIOUS LEADERS OF TEN DIFFERENT FAITHS, INCLUDING THE CATHOLIC, JEWISH, ISLAMIC, RUSSIAN AND GREEK ORTHODOX. THE CHURCHMEN LATER SAID THAT ALL PROBLEMS FACING THE COUNTRY WERE FULLY AND FRANKLY DISCUSSED. RABBI BENHAMU ANIDJAR SIAD AFTER THE MEETING THAT HE HOPED "THE PEACE AND UNDERSTANDING WE FOUND AT THE PRESIDENT'S TABLE ARE A REFLECTION OF WHAT IS TO COME FOR ARGENTINA."

6. A GROUP OF PROMINENT ARGENTINE WRITERS ASKED PRESIDENT VIDELA TO INTERCEDE ON BEHALF AN AILING ARGENTINE WRITER, ANTONIO DI BENEDETTO, WHO HAS BEEN DETAINED WITHOUT CHARGE IN MENDOZA SINCE MARCH 24. THE LETTER, PUBLISHED IN LA OPINION OCTOBER 5, SAID DI BENEDETTO WAS SUFFERING MENTAL AND PHYSICAL DETERIORATION AFTER BEING HELD INCOMMUNICADO FOR MORE THAN SIX

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MONTHS.

7. IN A RARE REPORTED CASE OF LEGAL ACTION TAKEN AGAINST THE POLICE FOR "EXCESSIVE VIOLENCE," FIVE POLICEMEN WERE ARRESTED IN CORDOBA ON SEPTEMBER 23. THEY WERE CHARGED IN THE DEATHS OF TWO PERSONS LINKED TO THE DRUG TRADE WHO WERE KIDNAPPED JULY 17 AND LATER TURNED UP SHOT TO DEATH IN A FIELD.

8. TWO YOUNG CHILDREN OF AN EXTREMIST COUPLE KILLED IN A RECENT SHOOTOUT WITH SECURITY FORCES WERE KIDNAPPED FROM A HOSPITAL SEPTEMBER 23, ACCORDING TO AN ARMY COMMUNIQUE. THE COMMUNIQUE STATED THAT IT WAS THE MILITARY'S POLICY TO RESTORE ORPHANS OF EXTREMIST VICTIMS TO RELATIVES FOR ADOPTION. THE TWO CHILDREN HAVE NOT YET BEEN FOUND.

9. A MONTONERO EXTREMIST CONVICTED OF MURDERING A POLICEMAN WAS SENTENCED TO "INDEFINITE RECLUSION" BY A COURT MARTIAL IN CORDOBA SEPTEMBER 27. TWO OTHER MONTONEROS WERE SENTENCED TO FROM FOUR TO TEN YEARS FOR ILLEGAL POSSESSION OF FIREARMS AND OTHER OFFENSES.

10. THE BUENOS AIRES PRESS HAS BEEN HIGHLY CRITICAL OF LAST WEEK'S CONGRESSIONAL HEARINGS ON THE HUMAN RIGHTS SITUATION IN ARGENTINA, MOST ATTRIBUTING THE USG'S "SUDDEN NEW INTEREST" IN HUMAN RIGHTS TO THE INTERNATIONAL LEFTIST CAMPAIGN TO DISCREDIT THE COUNTRY OR TO IRRESPONSIBLE US ELECTION YEAR POLITICKING. REFLECTING THE STRONGLY-HELD ARGENTINE BELIEF THAT ITS BATTLE AGAINST SUBVERSION IS A FIGHT AGAINST AN INTERNATIONAL COMMUNIST THREAT, LA NACION OCTOBER 3 SAID THAT PARADOXICALLY, INSTEAD OF ASSISTING ITS FRIENDS AGAINST SUCH A THREAT, THE USG IS NOW ACTING IN SUCH A WAY AS TO FAVOR ITS COMMUNIST ENEMIES. 85
?)-.3\$ "PRO-GUERRILLA INFLUENCES" FOR THE RECENT ANTI-ARGENTINA ATTITUDE OF THE US CONGRESS AND SAID IT WAS INCONCEIVABLE THAT SOMETHING AS IMPORTANT AS THE SECURITY OF THE CONTINENT SHOULD BE TAKEN ADVANTAGE OF AS A "TRANSITORY ELECTION ISSUE." LA PRENSA THE SAME DAY REJECTED THE COMMITTEE'S RIGHT TO "SIT IN JUDGEMENT OF A SOVEREIGN COUNTRY" AND DECLARED OUTRIGHT THAT "WHOEVER REPROACHES THE ARGENTINE GOVERNMENT DEFENDS EXTREMISM."

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INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
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R 071612Z OCT 76
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11. EVEN THOSE NEWSPAPERS THAT HAVE BEEN THE MOST OUTSPOKEN IN REPUDIATING VIOLENCE AND HUMAN RIGHTS ABUSES IN ARGENTINA OBJECTED TO WHAT THEY LABELED AS INCONSTRUCTIVE AND INSENSITIVE MEDDLING IN ARGENTINA'S INTERNAL AFFAIRS. THE BA HERALD, IN ITS OCTOBER 2 EDITORIAL, CHARGED THAT HUMAN RIGHTS CAMPAIGNS, INSTEAD OF HELPING GOVERNMENTS TO TACKLE TERRORISM AND PROTECT INNOCENT VICTIMS OF GUERRILLA WARFARE, GENERALLY ONLY SUCCEED IN MAKING THINGS WORSE. ARGENTINA, IT SAID, HAD NO NEED OF COMMISSIONS OUTSIDE THE COUNTRY "EITHER TO PROTECT US OR TRY AND EXPLOIT US." OBSERVING THAT WHAT WAS AT STAKE WAS SOME 48 MILLION DOLLARS IN US MILITARY AID, HERALD COLUMNIST JAMES NEILSON THE NEXT DAY WAS EVEN MORE BITING: "THAT THE (ARGENTIN) MILITARY GOVERNMENT SHOULD EXPOSE ITSELF TO SUCH HUMILIATIONS OVER SUCH A PIDDLING SUM IS RATHER INCREDIBLE--PERHAPS IT SHOULD BE RETURNED WITH A NOTE RECOMMENDING IT BE SPENT ON VICTIMS OF US NEGLECT IN DETROIT (WHOSE VIOLENCE RIVALS OUR OWN)."

12. THE PRESS EXPRESSED OUTRAGE AT THE SELECTION OF SUCH LONGTIME COMMUNISTS AS GUSTAVO ROCA AND GARZON MACEDO, AND OTHER CLEARLY HOSTILE WITNESSES, TO TESTIFY AT THE FRASER HEARINGS. "SUCH ACTION CLEARLY THROWS INTO DOUBT THE GOOD FAITH OF THOSE RESPONSIBLE," OBSERVED LA NACION. LA OPINION YESTERDAY

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(OCTOBER 5) NOTED THAT NOT ONE STATE DEPARTMENT
OFFICIAL, NOT EVEN THE AMERICAN AMBASSADOR TO ARGENTINA, HAD
BEEN CALLED TO TESTIFY. (LA EDITOR JACOBO TIMMERMAN HIMSELF
WROTE REP. FRASER ON SEPTEMBER 29 WARNING AGAINST THE DANGER
OF ONE-SIDED WITNESSES AND HIMSELF ASKED TO BE CALLED TO
TESTIFY.)
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